

WK:AA
F. #2021R01019

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

I N D I C T M E N T

- against -

STEVEN RODRIGUEZ and
JIA LIU,
also known as “Jah Leo,”
“Joseph Liu,” “Johne Leone”
and “Jonah Leona,”

Defendants.

Cr. No. **CR-22-70 Judge Gujarati; Mag. Bulsara**
(T. 18, U.S.C., §§ 371, 982(a)(1)(C),
982(b)(1), 3147(1), 2 and 3551 et seq.;
T. 21, U.S.C., § 853(p); T. 28, U.S.C.,
§ 2461(c))

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THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

I. The Defendants and Relevant Entities

1. The defendant STEVEN RODRIGUEZ was a resident of Long Beach, New York. RODRIGUEZ worked as a healthcare professional at a healthcare clinic in Hempstead, New York (“the Healthcare Clinic”), the identity of which is known to the Grand Jury.

2. The defendant JIA LIU, also known as “Jah Leo,” “Joseph Liu,” “Johne Leone” and “Jonah Leona,” was a resident of Queens, New York. LIU served in the United States Marine Corps Reserve.

3. The Healthcare Clinic offered care related to COVID-19. It administered COVID-19 vaccines and maintained and issued official Centers for Disease Control (“CDC”)

COVID-19 vaccination cards (“COVID-19 Vaccination Cards”). On or about December 22, 2020, the Healthcare Clinic signed a COVID-19 Vaccination Program Provider Agreement with the CDC that, among other things, required the Healthcare Clinic to provide a COVID-19 Vaccination Card to each person who received a COVID-19 vaccine.

4. The CDC was a federal agency under the United States Department of Health and Human Services. The CDC was established to protect public health through the prevention of disease.

5. The United States Marine Corps was a component of the Department of the Navy, a federal agency within the United States Department of Defense.

II. Background

A. The Federal COVID-19 Vaccine Program

6. In about January 2020, the Secretary of the United States Department of Health and Human Services (“HHS”) declared a national public health emergency under Title 42, United States Code, Section 247d as a result of the spread of novel coronavirus COVID-19 within the United States. On or about March 13, 2020, the President of the United States issued Proclamation 9994 declaring a national emergency beginning on March 1, 2020 as a result of the rapid spread of COVID-19. Since then, COVID-19 has killed nearly one million Americans.

7. As part of the response to the COVID-19 pandemic, the federal government provided funding to pharmaceutical and biotechnology companies capable of developing a vaccine for COVID-19. The United States Food and Drug Administration approved the Pfizer COVID-19 vaccine for emergency use on or about December 11, 2020 and the Moderna COVID-19 vaccine for emergency use on or about December 18, 2020.

Thereafter, the CDC prepared for widespread administration of the COVID-19 vaccines, including at pharmacies and retail-based clinic locations.

8. The government also contracted with various companies to (a) print COVID-19 Vaccination Cards according to CDC specifications, including a requirement that the cards include a space to record the dates of administration of the vaccine doses, and (b) distribute the cards as part of vaccine ancillary kits sent to each vaccine distribution location. The CDC and HHS also developed rules and protocols for the entities that would administer the COVID-19 vaccine at locations around the country.

9. All COVID-19 vaccination providers were required to give patients who had received a COVID-19 vaccine a COVID-19 Vaccination Card. These COVID-19 Vaccination Cards listed the name and date of birth of the patient, name of the manufacturer of the COVID-19 vaccine that the patient received, the date the patient received it, the lot number of the vaccine dose, and the location where each dose was administered.

B. New York Immunization Databases

10. The New York State Department of Health maintained a record of immunizations in the New York State Immunization Information System (“NYSIIS”), and the New York City Department of Health maintained the Citywide Immunization Registry (“CIR”) (together, the “Immunization Databases”). The purpose of the Immunization Databases was to promote the public health by securely maintaining immunization records and making them easily accessible. Healthcare providers in New York were responsible for entering complete and accurate COVID-19 vaccination data into the Immunization Databases within 24 hours of vaccine administration.

11. In or about April 2021, the State of New York established the Excelsior Pass. Using patient data recorded in Immunization Databases, an Excelsior Pass stores and displays a user's vaccination status via a QR code. The pass is intended to be shown at participating businesses and venues, which rely on the QR code as proof of vaccination.

12. Proof of vaccination, as reflected in a COVID-19 Vaccination Card or Excelsior Pass, was required to travel to certain locations and attend certain events where large numbers of people congregate, such as sporting events, concerts, restaurants and bars. In addition, some employers and government agencies required employees to have received a COVID-19 vaccination. Proof of vaccination requirements were intended to limit the spread of COVID-19 and maximize the safety of the community.

C. The United States Military's COVID-19 Vaccination Program

13. In or about August 2021, in order to protect the health and readiness of the military and better defend the American people, the Secretary of the United States Department of Defense issued a memorandum directing the Military Departments to require all service members and reservists to be vaccinated against COVID-19.

14. Following that memorandum, in about September 2021, the United States Marine Corps issued administrative directive 462/21, which required that United States Marine Corps active and reserve service members be vaccinated against COVID-19 unless they qualified for an exemption. The directive required service members who obtained their COVID-19 vaccination from non-Department of Defense facilities—such as civilian pharmacies, health departments or healthcare providers—to provide documented verification of their vaccination to their command.

III. The COVID-19 Vaccination Card Fraud Scheme

15. From approximately March 2021 or earlier to February 2022, the defendants STEVEN RODRIGUEZ and JIA LIU, together with others, engaged in a scheme to fraudulently obstruct the government's administration and distribution of lifesaving COVID-19 vaccines. RODRIGUEZ and LIU executed the scheme by conspiring to steal and forge genuine COVID-19 Vaccination Cards. RODRIGUEZ and LIU then in fact forged the stolen cards to indicate that unvaccinated persons had received COVID-19 vaccines.

16. In furtherance of the scheme, the defendant STEVEN RODRIGUEZ abused his position as a healthcare professional during a global pandemic to steal COVID-19 Vaccination Cards. After stealing those cards, RODRIGUEZ conspired to forge and distribute them to unvaccinated persons ("Buyers"). The stolen and forged COVID-19 Vaccination Cards were also sold for profit and distributed by RODRIGUEZ and other co-conspirators.

17. The defendant JIA LIU served as a distributor for STEVEN RODRIGUEZ. LIU purchased blank COVID-19 Vaccination Cards from RODRIGUEZ, and then forged and distributed them to Buyers and other co-conspirators. To earn a profit, LIU often charged a higher price for the cards than he had paid to RODRIGUEZ. At times, LIU also directed Buyers to meet RODRIGUEZ in person at the Healthcare Clinic, where RODRIGUEZ sold them fraudulent cards.

18. As part of the scheme, the defendants STEVEN RODRIGUEZ and JIA LIU offered customers different options for COVID-19 Vaccination Cards. Buyers could obtain either (a) blank COVID-19 Vaccination Cards, or (b) completed COVID-19 Vaccination Cards that falsely listed, among other things, Buyers' names and dates of birth, and the dates, locations and lot numbers of COVID-19 vaccines. In addition, RODRIGUEZ and LIU also offered

Buyers false entry into the Immunization Databases, which allowed unvaccinated Buyers to obtain a functional Excelsior Pass, despite not having received the vaccine.

19. To facilitate creating false entries in Immunization Databases, RODRIGUEZ and LIU directed Buyers to make genuine appointments at the Healthcare Clinic to receive a COVID-19 vaccine. When a Buyer visited the Healthcare Clinic, RODRIGUEZ met the Buyer but did not administer the vaccine. Instead, RODRIGUEZ (a) destroyed a vial of vaccine intended to be used to vaccinate a patient; (b) provided a forged COVID-19 Vaccination Card that he completed to make it falsely appear that the Buyer had received a dose of vaccine that RODRIGUEZ had in fact destroyed; and (c) made entries in the Immunization Databases falsely indicating that the Buyer had been vaccinated. These steps allowed the Buyer to falsely present himself or herself as vaccinated. RODRIGUEZ and LIU charged a premium for making these false Immunization Database entries.

20. The defendants STEVEN RODRIGUEZ and JIA LIU promoted the scheme through messages on encrypted messaging applications and on social media. Using these forums, RODRIGUEZ and LIU advertised that they could provide false vaccination records, including physical COVID-19 Vaccination Cards, false inputs in the Immunization Databases and false registration in Excelsior Pass.

21. The defendant JIA LIU also used his access to genuine COVID-19 Vaccination Cards, through the defendant STEVEN RODRIGUEZ, to frustrate the United States military's mission readiness and its attempts to contain the COVID-19 pandemic. From approximately August 2021 or earlier to January 2022, LIU created and distributed false COVID-19 Vaccination Cards to members of the United States Marine Corps to help them evade COVID-19 vaccination requirements. By distributing false COVID-19 Vaccination Cards to

members of the United States Marine Corps, LIU facilitated the introduction of unvaccinated persons into a military setting that had been constructed to exclude unvaccinated persons for the safety of troops and the protection of the United States.

22. Using encrypted messaging applications, the United States mail and other means, the defendants STEVEN RODRIGUEZ and JIA LIU also distributed at least 300 false vaccination records to unvaccinated persons, including members of the United States Marine Corps Reserve.

23. The defendants STEVEN RODRIGUEZ and JIA LIU received thousands of dollars in exchange for the sale of fraudulent COVID-19 Vaccination Cards through mobile payment applications, such as Venmo, Zelle and Cash App. At times, RODRIGUEZ and LIU instructed Buyers to make false notations on their payments—such as “consultancy” or “Korean BBQ”—in order to disguise and protect their scheme. RODRIGUEZ and LIU were also paid in cash.

24. To further avoid detection and protect the scheme, the defendants STEVEN RODRIGUEZ and JIA LIU referred to COVID-19 Vaccination Cards using code names, such as “gift cards,” “Cardi Bs,” “Christmas cards” and “Pokemon cards.” LIU also encouraged co-conspirators to communicate over encrypted messaging applications, such as Signal. In addition, RODRIGUEZ and LIU disguised the source of mail items containing COVID-19 Vaccination Cards by omitting, or using false, sender names on envelopes.

25. From approximately March 2021 to February 2022, the defendants STEVEN RODRIGUEZ and JIA LIU, through the COVID-19 Vaccination Card Fraud Scheme, distributed at least 300 stolen or false COVID-19 Vaccination Cards and created more than 70 false entries in the Immunization Databases.

COUNT ONE

(Conspiracy to Defraud the United States Department of Health and Human Services)

26. The allegations contained in paragraphs one through 25 are realleged and incorporated as if fully set forth in this paragraph.

27. In or about and between May 2021 and January 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEVEN RODRIGUEZ and JIA LIU, also known as “Jah Leo,” “Joseph Liu,” “Johne Leone” and “Jonah Leona,” together with others, did knowingly and willfully conspire to impede, impair, obstruct and defeat the lawful government functions of the United States Department of Health and Human Services, a department and agency of the United States, in the administration and distribution of COVID-19 vaccines and COVID-19 Vaccination Cards.

28. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants did commit and cause the commission of, among others, the following:

OVERT ACTS

(a) On or about April 1, 2021, Co-Conspirator 1 (“CC-1”), an individual whose identity is known to the Grand Jury, wrote to RODRIGUEZ on Instagram asking when RODRIGUEZ had mailed him COVID-19 Vaccination Cards because CC-1 had “tickets to go see the yankees.”

(b) On or about April 1, 2021, RODRIGUEZ wrote to CC-1 on Instagram that he “sent them a while back.”

(c) On or about April 4, 2021, CC-1 and RODRIGUEZ communicated as follows over Instagram:

CC-1: Yoo as a finance bro would u be interested in making some money off of the cards?

RODRIGUEZ: Suree what do you have in mind?

CC-1: Would u be able to send over 15 more? If u dont want to fill them out I can just lmk what lot number to us?

RODRIGUEZ: Yeahh I can definitely do that!

CC-1: My man! Obv I won't tell anybody where im getting them from

CC-1: But why not profit from this lol

(d) On or about May 6, 2021, LIU exchanged a message on Signal with Co-Conspirator 2 ("CC-2"), an individual whose identity is known to the Grand Jury, about being introduced to RODRIGUEZ.

(e) On or about May 12, 2021, LIU discussed with CC-2 the purchase of six COVID-19 Vaccination Cards from RODRIGUEZ for \$100.

(f) On or about May 12, 2021, LIU sent a \$100 payment through Venmo to RODRIGUEZ for COVID-19 Vaccination Cards.

(g) On or about May 17, 2021, LIU sent a Signal message to Co-Conspirator 3 ("CC-3"), an individual whose identity is known to the Grand Jury, describing the scheme as follows:

LIU: I helped distribute them []

LIU: and my have access to Department of Health database

LIU: my buddy*

CC-3: Insane bro

CC-3: It's full proof?

LIU: for travel/work/school yes

LIU: if you want to apply for federal job or take federal contracts that makes you sign an acknowledgement statement that checks your status in the State system, then I need to make an appointment for you with my

buddy who will destroy a vial, scan your ID, and give you a band-aid

CC-3: Oh so I'm not in the "system" this is just a simple card?

LIU: correct, but all lookups without a request for signature are just lot# + date matchups

(h) On or about June 7, 2021, Co-Conspirator 4 ("CC-4"), an individual whose identity is known to the Grand Jury, provided the name and date of birth of Co-Conspirator 5 ("CC-5"), an individual whose identity is known to the Grand Jury, requesting that LIU provide a COVID-19 Vaccination Card for CC-5.

(i) On or about June 24, 2021, CC-5 sent a payment to LIU in connection with the scheme.

(j) On or about August 9, 2021, Co-Conspirator 6 ("CC-6"), an individual whose identity is known to the Grand Jury, sent LIU a Signal message seeking a COVID-19 Vaccination Card on behalf of Co-Conspirator 7 ("CC-7"), an individual whose identity is known to the Grand Jury, providing CC-7's name and date of birth.

(k) On or about August 10, 2021, CC-1 sent RODRIGUEZ an Instagram message asking for 25 additional COVID-19 Vaccination Cards.

(l) On or about August 13, 2021, RODRIGUEZ entered a false COVID-19 vaccination record into NYSIIS for CC-7.

(m) On or about August 16, 2021, LIU received a payment in connection with the false entry for CC-7.

(n) On or about August 18, 2021, RODRIGUEZ and LIU communicated about the scheme by Instagram message.

(o) On or about December 16, 2021, RODRIGUEZ and LIU called one another by telephone.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT TWO

(Conspiracy to Defraud the United States Department of Defense)

29. The allegations contained in paragraphs one through 25 are realleged and incorporated as if fully set forth in this paragraph.

30. In or about and between August 2021 and January 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JIA LIU, also known as “Jah Leo,” “Joseph Liu,” “Johne Leone” and “Jonah Leona,” while released under Chapter 207 of Title 18 of the United States Code, together with others, did knowingly and willfully conspire to impede, impair, obstruct and defeat the lawful government functions of the United States Department of Defense, a department and agency of the United States, in the administration of its requirement that service members and reservists receive COVID-19 vaccinations.

31. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendant JIA LIU did commit and cause the commission of, among others, the following:

OVERT ACTS

(a) On or about September 12, 2021, LIU sent a Signal message to Co-Conspirator 8 (“CC-8”), a United States Marine Corps Reserve service member whose identity is known to the Grand Jury, requesting identifying information, including a driver’s license and insurance card, to generate a false COVID-19 Vaccination Card.

(b) On or about October 17, 2021, CC-8 sent a Signal message to LIU stating, in substance, that he had been asked for a physical COVID-19 Vaccination Card.

(c) On or about October 29, 2021, LIU possessed in his car a COVID-19 Vaccination Card bearing CC-8's name.

(d) On or about September 20, 2021, LIU sent a Signal message to Co-Conspirator 9 ("CC-9"), a United States Marine Corps Reserve member whose identity is known to the Grand Jury, stating, "you have no idea how many documents I have faked in my usmc career."

(e) On or about October 4, 2021, LIU sent a Signal message to CC-9 and Co-Conspirator 10 ("CC-10"), a United States Marine Corps Reserve member whose identity is known to the Grand Jury, stating "both of you have been fully vaccinated" and "just a card but enough for the corps[.]"

(f) On or about October 15, 2021, CC-10 sent a Signal message to LIU indicating that he was at LIU's home to pick up a COVID-19 Vaccination Card.

(g) On or about January 29, 2022, LIU received a Venmo payment from Co-Conspirator 11 ("CC-11"), a United States Marine Corps member whose identity is known to the Grand Jury, with a notation that the payment was for a "Gift Card."

(Title 18, United States Code, Sections 371, 3147(1), 2 and 3551 et seq.)

COUNT THREE

(Conspiracy to Forge Government Writings)

32. The allegations contained in paragraphs one through 25 are realleged and incorporated as if fully set forth in this paragraph.

33. In or about and between May 2021 and January 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the

defendants STEVEN RODRIGUEZ and JIA LIU, also known as “Jah Leo,” “Joseph Liu,” “Johne Leone” and “Jonah Leona,” together with others, did knowingly and willfully conspire to falsely make, forge and counterfeit one or more bonds, bids, proposals, contracts, guarantees, securities, official bonds, public records, affidavits and other writings, to wit: COVID-19 Vaccination Cards, for the purpose of defrauding the United States, contrary to Title 18, United State Code, Section 494.

34. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants did commit and cause the commission of, among others, the following:

OVERT ACTS

(a) On or about April 26, 2021, RODRIGUEZ sent an Instagram message to CC-1 stating that RODRIGUEZ can send “authentic CDC cards.”

(b) On or about May 26, 2021, LIU wrote a Signal message to CC-6 explaining that LIU delivered completed COVID-19 Vaccination Cards bearing CC-6’s name to CC-6’s mailbox in Woodside, New York.

(c) On or about May 26, 2021, Co-Conspirator 12 (“CC-12”), an individual whose identity is known to the Grand Jury, sent an Instagram message to RODRIGUEZ requesting that COVID-19 Vaccination Cards be mailed to an address in Colorado.

(d) On or about May 27, 2021, RODRIGUEZ sent an Instagram message to CC-12 stating that RODRIGUEZ had made the requested COVID-19 Vaccination Cards.

(e) On or about May 27, 2021, RODRIGUEZ sent an Instagram message to CC-12 with a photograph of a mailing envelope addressed to the requested Colorado address.

(f) On or about June 7, 2021, CC-4 provided the name and date of birth of CC-5 and requested that LIU provide a COVID-19 Vaccination Card for CC-5.

(g) On or about June 23, 2021, LIU sent a photograph by Signal message of a COVID-19 Vaccination Card bearing CC-5's name and falsely indicating that CC-5 had been vaccinated on May 14, 2021 and June 11, 2021 with the Moderna vaccine.

(h) On or about June 24, 2021, CC-5 sent a payment in connection with the scheme to LIU.

(i) On or about August 18, 2021, RODRIGUEZ and LIU communicated about the scheme by Instagram message.

(j) On or about December 16, 2021, RODRIGUEZ and LIU called one another by telephone.

(k) On or about January 29, 2022, LIU received a payment from CC-11 in connection with the scheme.

(Title 18, United States Code, Sections 371, 2 and 3551 et seq.)

**CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE THROUGH THREE**

35. The United States hereby gives notice to the defendants that, upon their conviction of any of the offenses charged in herein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any

property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses.

36. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(1)(C) and 982(b)(1); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL


FOREPERSON


BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F. #2021R01019
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

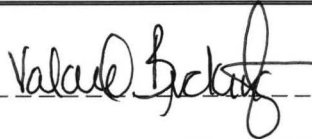
STEVEN RODRIGUEZ and JIA LIU, also known as "Jah Leo," "Joseph Liu," "Johne Leone" and "Jonah Leona,"

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 371, 981(a)(1)(C), 982(b)(1), 3147(1), 2 and 3551
et seq.; T. 21, U.S.C., § 853(p); T. 28, U.S.C., § 2461(c))

A true bill.



Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Adam Amir, Assistant U.S. Attorney (718) 254-6116

INDICTMENT SEALING FORM

Case name: United States v. Steven Rodriguez, et al

Reason for Sealing:

The defendants are currently at liberty, and the government plans to effectuate the arrests in the coming weeks. The government seeks to seal the indictment to ensure that the defendants do not learn that they are under indictment and to prevent them from fleeing justice to avoid arrest and prosecution.

By: /s/ Adam Amir



Date: February 16, 2022

Adam Amir
Assistant United States Attorney
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201